

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:23-cv-00181-MR-WCM**

<b>JOHANNA A. HARRIS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b><u>ORDER</u></b>
	)	
<b>VARIETY WHOLESALERS, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
_____	)	

**THIS MATTER** is before the Court on the Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. 2] and on review of the Plaintiff's pro se Complaint [Doc. 1].

**I. BACKGROUND**

On July 19, 2023, the pro se Plaintiff, a resident of Henderson, North Carolina,<sup>1</sup> filed this action asserting claims of racial discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq. She names as Defendants Variety Wholesalers, her former employer located in

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<sup>1</sup> Henderson, North Carolina, is located in Vance County, which is in the Eastern District of North Carolina.

Henderson, North Carolina; Margie Roocker, a “Team Lead,” also of Henderson, North Carolina; Branch Manager Denise LNU of State Employee Credit Union in Oxford, North Carolina<sup>2</sup>; Samantha Hunt, a “Picker Packer/Cycle Counter,” in Warrenton, North Carolina<sup>3</sup>; Antara Harris of Henderson, North Carolina; and Tyneka LNU, a “Picker Packer/Cycle Counter,” in Warrenton, North Carolina.

## **II. DISCUSSION**

In an action arising under Title VII of the Civil Rights Act of 1964, venue is established by 28 U.S.C. § 1391(b), which provides that a civil action may be brought in “(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred ... ; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

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<sup>2</sup> Oxford is a city in Granville County, which is located in the Eastern District of North Carolina.

<sup>3</sup> Warrenton is a city in Warren County, which is located in the Eastern District of North Carolina.

Therefore, under § 1391, the Plaintiff's action may be heard in a venue where all the Defendants reside, or in the venue where the issue substantially arose, which here is the Eastern District of North Carolina. Pursuant to 28 U.S.C. § 1406(a), the Court may dismiss this action or, if it is in the interest of justice, transfer this action to the United States District Court for the Eastern District of North Carolina. In the interest of justice, the Court will transfer this action to the Eastern District of North Carolina.

### **III. CONCLUSION**

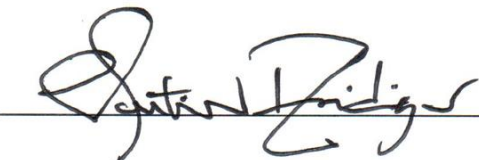
For the reasons stated herein, this action will be transferred to the Eastern District of North Carolina.

**IT IS, THEREFORE, ORDERED** that the Plaintiff's action is **TRANSFERRED** to the Eastern District of North Carolina.

The Clerk is instructed to terminate this action.

**IT IS SO ORDERED.**

Signed: August 7, 2023



Martin Reidinger  
Chief United States District Judge

